

CITY COMMISSION MINUTES

3a.

March 18, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, March 18, 2008 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, City Engineer Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

Item 3j was pulled from the Consent Agenda for separate action.

Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **March 4, 2008**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinances** dated February 28, 2008, through March 13, 2008, in the amount of \$372,449.39
- c. Monthly Reports:
  1. Water Department
  2. Codes Department
  3. Rolling Meadows Golf Course
  4. Fire Department/EMS
  5. Police Department
  6. Personnel
  7. Recreation
- d. The consideration and approval of **S-3001** for Final (Replat) Plat for Hunter's Ridge #2 Addition. The MPC voted on February 14, 2008, unanimously in acceptance. (Final Reading)
- e. The consideration and approval of **Pay Request #9** by HNTB for the US-77 and K-18 Corridor Study, through a partnership with KDOT, Geary County, City of Milford and City of Junction City, in the amount of \$27,983.69. Reimbursement of study is 60% by KDOT, 20% by Geary County and Junction City's share at 20%, which equals \$5,596.74.
- f. The consideration and approval of **Pay Request #6** by Smoky Hill Construction for interceptor sewer services completed through February 22, 2008, at Tom Neal Industrial Park, in the amount of \$35,539.30. (Project is 98.9% complete.)
- g. The consideration and approval of **Pay Request #2** by Kaw Valley Engineering for design fee services completed through June 30, 2007, for New Horizon's RV Site Improvements, in the amount of \$13,807.50.

- h. The consideration and approval of **Pay Request #4** by Kaw Valley Engineering for construction management services completed through February 25, 2008, for Turkey Hollow, in the amount of \$10,081.60.
- i. The consideration and approval of **Semi-Annual KDHE Loan Payment**, in the amounts of \$189,419.00 (Project #C20 1694 01) and \$103,983.65, (Project #20 1534 01) for total payment of \$293,402.65.
- j. The consideration and approval of **Pay Request** by Dave's Electric for services completed from February 1, 2008 through February 29, 2008, on the Ash Street Lighting Project, in the amount of \$25, 069.70. **(REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION.)**
- k. The consideration and approval of **Cereal Malt Beverage License** for G&S Convenience Store at 813 S. Washington Street.
- l. The consideration and approval of **R-2452** granting authority for Self-Help Housing to file for USDA/Rural Development 2008 523 grant for \$270,000.00. The grant will assist 18 very-low and low-income families to build a modest home.
- m. The consideration and approval of **R-2454** for the purchase of 214 E. 16th Street by Joann Board from the City of Junction City to build a Self-Help Housing home, in the amount of \$16,500.00.
- n. The consideration and approval to **Set a Public Hearing** date for Wednesday, April 23, 2008, at 5:30 p.m., to finalize the environmental assessment for Freeman Field.
- o. The consideration and approval of **R-2455** for the purchase of 236 E. 12th Street by Charles and Mary Carter from the City of Junction City to build a Self-Help Housing home, in the amount of \$16,500.00.

**ITEM FOR SEPARATE ACTION:**

- j. The consideration and approval of **Pay Request** by Dave's Electric for services completed from February 1, 2008 through February 29, 2008, on the Ash Street Lighting Project, in the amount of \$25, 069.70. Commissioner Taylor was uncertain as to when the work was completed and if this project had been bid. City Manager, Rod Barnes, explained that this was part of the East Ash Street Extension Project that started two years ago. Dave's Electric was used because it is the company the City utilizes to do our electrical work. Mr. Barnes informed Commissioner Taylor that Dave was not a City employee, he was contracted to work on the City's electrical issues and provides on-call services when needed. Commissioner Taylor questioned whether this project should have been bid due to the cost of the project. Mr. Barnes stated that this type of project does not necessarily have to come before the Commission for approval. Mr. Barnes stated that the City's electrical services can be bid and set up like the engineering services we have with Kaw Valley Engineering. The Commission directed Mr. Barnes to work in that direction. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Pay Request by Dave's Electric for services completed from February 1, 2008 through February 29, 2008 on the Ash Street Lighting Project in the amount of \$25,069.70. Ayes: Heldstab, Rhodes, Wunder. Nays: Taylor. Motion carried three to one.

## CELEBRATIONS

The department celebration for the month of March is the Police Department. Chief Story presented the Commission with the Police Department's updated Mission Statement. The new Mission Statement is the following:

*to provide professional and ethical Public Safety services through a cooperative partnership with citizens to **identify, prevent and solve** problems of **crime, the fear of crime, social disorder and neighborhood decay**, thereby improving the quality of life in our community, **making Junction City the safest and most enjoyable city to live in. "WE STRIVE TO CHANGE WHAT WE ARE...TO WHAT WE CAN BE!"***

Chief Story also reviewed the Police Department's practice of Identifying, Solving, and Preventing crime in our community. The department's achievements and future goals were reviewed with the City Commission. Chief Story also spoke about how the Police Department is incorporating the Commission's goals for the City into their operations. Chief Story reviewed the number of Part I crimes from 2002 through 2006 and how they have been decreasing over the past five years. Chief Story also reviewed the number of calls the department has responded to from 2002 through 2007.

## SPECIAL PRESENTATIONS

- a. Presentation from Carolyn Gaston of Ad Astra award commemorating the kick-off of Junction City's 150th birthday. Carolyn Gaston and Doug Galloway with Embarq presented Rod Barnes with a statue of Ad Astra in recognition of the work the City has been doing in preparation for the upcoming 150th birthday celebration of our community. Embarq is proud to partner with the City and our community. Rod Barnes stated that Embarq exemplifies the term partnership in our community. Ms. Gaston also stated that a commemorative brick will be placed in the Plaza at the Capital with the City's choice of wording.

## PUBLIC HEARINGS

- a. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 222 W. Walnut Street, Junction City KS. Teresa Pendergrass, owner of 222 W. Walnut, informed the Commission that she will address the list of deficiencies and have them completed by June 30, 2008. Mayor Rhodes closed the public hearing.
  1. The consideration and approval of **R-2443** for condemnation of property at 222 W. Walnut Street, Junction City, KS. Commissioner Wunder moved, seconded by Commissioner Heldstab approve **R-2443** giving the property owner until September 14, 2008 (180 days) to condemn or repair the property at 222 W. Walnut Street. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion carried.
- b. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 434 W. 4th Street, Junction City KS. There were not any representatives for this property. Mayor Rhodes closed the public hearing.
  1. The consideration of **R-2444** for condemnation of property at 434 W. 4th Street, Junction City, KS. Commissioner Wunder moved, seconded by Commissioner Taylor to approve **R-2444** giving the property owner until July 16, 2008 (120 days) to condemn or repair the property at 434 w. 4th Street, Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.

- c. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 119 W. 12th Street, Junction City KS. There were not any representatives for this property. Mayor Rhodes closed the public hearing.
1. The consideration of **R-2445** for condemnation of property at 119 W. 12th Street, Junction City, KS. Commissioner Taylor moved, seconded by Commissioner Heldstab to approve R-2445 giving the property owner until July 16, 2008 (120 days) to condemn or repair the property at 119 W. 12th Street, Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- d. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 404 W. 13th Street, Junction City KS. Mark Karmann, Acting Codes Administrator, informed the Commission that his recommendation is to remove this property from the condemnation process. The structure has been demolished and the sewer has been capped. Mayor Rhodes closed the public hearing.
1. The consideration of **R-2446** for condemnation of property at 404 W. 13th Street, Junction City, KS. Due to Mr. Karmann's recommendation, the Commission took no action on the property at 404 W. 13th Street, Junction City, KS.
- e. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 510 W. Oak Street, Junction City KS. Mr. Don Eickholdt informed the Commission that he and his wife have purchased this property and have started the repairs. Mr. Eickholdt presented his repair plan to the Commission which includes a new roof in March/April; new windows and doors in May/June, new siding in July/August; new HVAC, remodel kitchen and bathrooms, new flooring throughout the house in August/September. Mr. Eickholdt stated that all of the repairs should be completed by October 1, 2008. Mr. Eickholdt presented Mayor Rhodes with a copy of the deed to the property. Mayor Rhodes closed the public hearing.
1. The consideration of **R-2447** for condemnation of property at 510 W. Oak Street, Junction City, KS. Commissioner Wunder moved, seconded by Commissioner Taylor to approve R-2447 giving the property owner until October 14, 2008 (210 days) to condemn or repair the property at 510 W. Oak Street, Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- f. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 1212 N. Clay Street, Junction City KS. Betsy Edwards with Hoover, Schermerhorn, Edwards, Pinaire & Rombold Law Firm, on behalf of Freddie Edwards, owner of the property, informed the Commission that Mr. Edwards' requests 90 days to finalize the sale of the property. The current owner will not be able to close on the property until March 20th or March 21st. Mayor Rhodes closed the public hearing.
1. The consideration of **R-2448** for condemnation of property at 1212 N. Clay Street, Junction City, KS. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve **R-2448** giving the property owner until July 16, 2008 (120 days) to condemn or repair the property at 1212 N. Clay Street, Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- g. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 1204 N. Madison Street, Junction City KS. There were not any representatives for this property. Mayor Rhodes closed the public hearing.

1. The consideration of **R-2449** for condemnation of property at 1204 N. Madison Street, Junction City, KS. Commissioner Wunder moved, seconded by Commissioner Taylor to approve **R-2449** giving the property owner until July 16, 2008 (120 days) to condemn or repair the property at 1204 N. Madison Street, Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- h. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 418 W. 15th Street, Junction City KS. Ron Jackson, owner of this property, informed the Commission that he has recently purchased this property and he has a repair plan. He also informed the Commission that the taxes are current on the property at this time. Mr. Jackson informed the Commission that he holds a current contractor's license. Mayor Rhodes closed the public hearing.
  1. The consideration of **R-2450** for condemnation of property at 418 W. 15th Street, Junction City, KS. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve R-2450 giving the property owner until August 15, 2008 (150 days) to condemn or repair the property at 418 W. 15th Street, Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- i. Mayor Rhodes opened the **Public Hearing** to consider condemnation of property at 907 N. Meir Street, Junction City KS. There were not any representatives for this property. Mayor Rhodes closed the public hearing.
  1. The consideration of **R-2451** for condemnation of property at 907 N. Meir Street, Junction City, KS. Commissioner Wunder moved, seconded by Commissioner Taylor to approve **R-2451** giving the property owner until July 16, 2008 (120 days) to condemn or repair the property at 907 N. Meir Street, Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.

## **NEW BUSINESS**

- a. The consideration and approval of **Change Order #4** by J&K Contracting for additional 560 linear feet of 12 inch waterline from Lacy Drive to the end of Spring Valley Drive project, in the amount of \$26,980.00. City Engineer, Christina Cook, informed the Commission that Change Order #4 will add ten calendar days to the project and will allow for future expansion and it is more cost-efficient to do this now instead of waiting. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Change Order #4 by J&K Contracting for additional 560 linear feet of 12 inch waterline from Lacy Drive to the end of Spring Valley Drive project in the amount of \$26,980.00. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- b. The consideration and approval of **Professional Engineering Services Agreement** with Burns & McDonnell Engineering Company to conduct a feasibility study of the East Wastewater Treatment Plant, in the amount of \$38,500.00. (This study is required by KDHE to bring the Plant in compliance.) Commissioner Taylor moved, seconded by Commissioner Heldstab to approve the Professional Engineering Services Agreement with Burns & McDonnell Engineering Company to conduct a feasibility study of the East Wastewater Treatment Plant in the amount of \$38,500.00. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.

- c. The consideration and approval of **Neighborhood Revitalization Application** by Junghan's Rental, LC to build a single family home at 1220 North Jefferson. Approximate cost is \$100,000.00. Project qualifies for 95% tax rebate for years 1 – 3; 80% tax rebate for year 4; 70% tax rebate for year 5; 60% tax rebate for year 6, 50% tax rebate for year 7; 40% tax rebate for year 8, 30% tax rebate for year 9 and 20% tax rebate for year 10. (EDC voted unanimously, in favor, on March 13, 2008.) Retail Specialist, Stacy Schulte, informed the Commission that construction will begin in approximately one month. Commissioner Wunder moved, seconded by Commissioner Taylor to approve the Neighborhood Revitalization Application by Junghan's Rental, LC to build a single family home at 1220 North Jefferson for an approximate cost of \$100,000.00. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- d. The consideration and approval of **Neighborhood Revitalization Application** for Kandarpam Hotels, Inc., Holiday Inn Express at 120 North East Street, to build an addition (extend the lobby and build an elevator), at an approximate cost of \$450,000.00. Project qualifies for 95% tax rebate for year 1; 85% rebate for year 2; 75% rebate for year 3; 50% rebate for year 4 and 25% rebate for year 5. (EDC voted unanimously, in favor, on March 13, 2008.) Retail Specialist, Stacy Schulte, informed the Commission that construction will begin in April and will include an expansion of the lobby and breakfast area and will add an elevator. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Neighborhood Revitalization Application for Kandarpam Hotels, Inc., Holiday Inn Express at 120 North East Street to build an addition for an approximate cost of \$450,000.00. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- e. The consideration and approval of **Letter of Understanding** between City of Junction City Fire Department and International Association of Firefighters, Local 3309 to amend original language to now read seven Firefighter/EMT's in the main station and six Firefighter/EMT's in Station 2. Fire Chief, Mike Ryan, informed the Commission that this change will be done on a trial basis. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Letter of Understanding between the City of Junction City Fire Department and the International Association of Firefighters, Local 3308 to amend the original language to now read seven Firefighter/EMT's in the main station and six Firefighter/EMT's in Station 2. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- f. The consideration and approval of **Letter of Agreement** with Landplan Engineering, PA, for professional services on Marshall Court and Custer Road Drainage Improvement project, in an amount not to exceed \$47,000.00, plus reimbursable expenses. City Engineer, Christina Cook, informed the Commission that five proposals were received. The committee interviewed three companies and recommended Landplan Engineering, PA for the project. Commissioner Wunder moved, seconded by Commissioner Taylor to disapprove the Letter of Agreement with Landplan Engineering, PA, for professional services on Marshall Court and Custer Road Drainage Improvement project, in an amount not to exceed \$47,000.00 plus reimbursable expenses. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- g. The consideration and approval of a **Supplemental Agreement** with Kaw Valley Engineering for amendment to original agreement reflecting the additions and updates necessary to accomplish design services on Spring Valley Road Corridor Improvement project, of an increased amount of \$272,035.00. (Total agreement amount not to exceed \$412,831.00.) City Engineer, Christina Cook, and John Sheets with Kaw Valley Engineering informed the Commission that this project will be approximately two miles in length and

will require the acquisition of right-of-ways and the street will be 41 feet in width and includes sidewalks the full length of the road. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Supplemental Agreement with Kaw Valley Engineering for amendment to original agreement reflecting the additions and updates necessary to accomplish design services on Spring Valley Road Corridor Improvement project, of an increased amount of \$272,035.00. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.

- h. The consideration and approval of **R-2453** providing support for Affordable Housing, LC, to develop Hickory Hills Residence on Strauss Boulevard that will provide 80 new units for low-income family housing, utilizing the Housing Tax Credit Program provided by Kansas Housing Resources Corporation. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve R-2453 providing support for Affordable Housing, LC, to develop Hickory Hills Residence on Strauss Boulevard that will provide 80 new units for low-income family housing, utilizing the Housing Tax Credit Program provided by Kansas Housing Resources Corporation. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- i. The consideration and approval of bids received for the City's Fertilizer and Weed Control Contract. Bids received from Rothwell Landscaping (Broadleaf weed control, \$4,313.00; five-step fertilization, \$12,805.00) and from Nature Green (Broadleaf weed control, \$3,500.00; five-step fertilization, \$38,370.00) for 2008. Water Utility & Parks Director, Ed Lazear, informed the Commission that the bids received were for the both the fertilizing and weed control; the bids were not for separate services. Mr. Lazear stated that two bids were received and his recommendation is to approve the low bid from Rothwell Landscaping. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the bid from Rothwell Landscaping (Broadleaf weed control - \$4,313.00 and five-step fertilization - \$12,805.00) for a total bid amount of \$17,118.00. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.
- j. The consideration and approval of authorizing a 5% increase for the City's Mowing Contracts with Rothwell Landscaping and F&R Services for 2008. Acting Codes Administrator, Mark Karmann, informed the Commission that both contractors requested in writing a 5% increase for their contracts for 2008. 2008 is the final year on both contracts. These contracts are scheduled to bid in the fall of 2008. The contractors also requested an extension of their contracts. Mr. Karmann stated that the contracts do not automatically renew. Mr. Karmann was directed by the Commission to proceed with the bid process in the fall. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the 5% increase for the City's Mowing Contracts with Rothwell Landscaping and F&R Services for 2008. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion Carried.

#### **COMMISSIONER COMMENTS**

**Commissioner Heldstab** congratulated the CVB on receiving two Telly Awards. Commissioner Heldstab stated that he had been called regarding a dog that was picked up by the Animal Control Officer and that the officer went above and beyond to find the owner of the dog.

**Commissioner Taylor** echoed Commissioner Heldstab's congratulations to the CVB. Commissioner Taylor informed the public that he will hold a Neighborhood Meeting at Washington Elementary on March 27<sup>th</sup> at 6:30 p.m.

**Commissioner Wunder** asked the City Manager about the street lights being out on Grant Avenue and asked Mr. Barnes to look into the matter. Commissioner Wunder stated that he had received emails claiming that the Police and Fire Departments were not doing their job. Commissioner Wunder stated that he wants the community to know that we have the best emergency personnel for a community our size. He stated that not every call can be responded to, however, the Police and Fire Departments are doing a bang-up job and he commended both departments for the job they do.

**May Rhodes** stated that he sees it a privilege to live in our community. The Police and Fire Departments do an excellent job. He stated that if our complains are of loud music, etc. then he sees that as a credit to our community if that is all we have to complain about, we're doing good.

#### **STAFF COMMENTS**

**City Manager, Rod Barnes**, informed the Commission that a work session will be held on March 24<sup>th</sup> to discuss sanitation with Veolia Water. Another work session will be held on March 25<sup>th</sup> to discuss the special assessments on Sutter Woods, Sutter Highland, and Olivia Farms. Both work sessions will be held at noon in the Commission Room. Mr. Barnes also reminded that Commission that Friday, March 21<sup>st</sup> will be Economic Development Director, Josh McKim's, last day. A farewell for Mr. McKim will be held in the EDC office on March 21<sup>st</sup> at 3:00 p.m.

#### **EXECUTIVE SESSION**

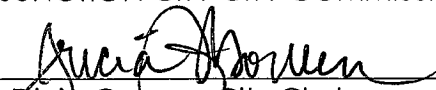
Commissioner Heldstab moved, seconded by Commissioner Wunder to adjourn into executive session at 8:24 p.m. to reconvene at 8:34 p.m. to discuss matters related to Attorney-Client privileges. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the City Manager and City Attorney.

Commissioner Heldstab moved, seconded by Commissioner Taylor to reconvene into regular session at 8:30 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion carried.

#### **ADJOURNMENT**

Commissioner Taylor moved, seconded by Commissioner Wunder to adjourn at 8:32 p.m. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 1<sup>st</sup> DAY OF APRIL, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR MARCH 18, 2008.

  
Tricia Gowen, City Clerk

  
Mike Rhodes, Mayor